

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: NATIONAL FOOTBALL LEAGUE	:	
PLAYERS' CONCUSSION	:	No. 2:12-md-02323-AB
INJURY LITIGATION	:	
	:	MDL No. 2323
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Kevin Turner and Shawn Wooden,	:	
<i>on behalf of themselves and others similarly</i>	:	Hon. Anita B. Brody
<i>situated,</i>	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION No. 14-00029-AB
<hr/>		
v.	:	
National Football League and NFL	:	
Properties, LLC, successor-in-interest to	:	
NFL Properties, Inc.,	:	
	:	
Defendants.	:	
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THIS DOCUMENT RELATES TO:	:	
ALL ACTIONS	:	
	:	

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**DECLARATION OF RETIRED NFL PLAYER ANDREW STEWART**

1. This declaration is submitted in support of my Objection to the proposed Settlement.
2. I am a retired NFL player. I played the position of defensive end from 1989 until 1993, first with the Cleveland Browns, then the Cincinnati Bengals and then in 1993 with the San Francisco 49ers.
3. I played one full season for the Browns in 1989. I was put on injured reserve for parts or all of the next four seasons because of injuries to my Achilles tendon, knee and hand suffered during training camp or preseason games.

4. The training camps I attended were full contact, twice a day, for 3.5 hours each session.

5. During many practices, I took part in the "Oklahoma Drill." This drill involves two players lined up a few yards opposite each other in a confined corridor about one yard wide. The players run at each other full tilt until one of the players is blocked to the ground or the ball carrier is tackled. The collisions often resulted on helmet on helmet contact. This drill was repeated multiple times during many of the practice sessions.

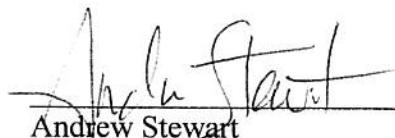
6. To secure a spot on the team, I needed to show the coaches how physical I could be on the field. Training camp and preseason games were a chance for me to demonstrate toughness and an ability to hit as hard or harder than other defensive ends.

7. Even after I was placed on injured reserve, I was required to return to practice as soon as my injury healed sufficiently. These practices were full contact.

8. I am 48 years old and am suffering from Parkinson's Disease.

9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Dated: September 19, 2014



Andrew Stewart

## **EXHIBIT 2**

# Forbes

<http://onforb.es/1BRsU8g>



**Dan Diamond** Contributor

*I write sharp takes on the health, policy and wonk news of the day.*

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PHARMA & HEALTHCARE 8/24/2014 @ 9:23AM 27,143 views

## Wes Welker's Concussion Was 61st Concussion -- At Least -- Of NFL Preseason

[Comment Now](#)

Wes Welker's concussion in the Denver Broncos' loss to the Houston Texans on Saturday is awful for Welker and the Broncos, given Welker's concerning concussion history.

But it's also bad news for the NFL, which has seen reported concussions rise by more than 50% in this year's NFL preseason compared to last year.

Welker was concussed on a play when he was hit in the helmet by Texans safety D.J. Swearinger. Welker was able to sit up on his own, but immediately called for help from the Broncos medical staff.

"I led with my shoulder; that's the only thing I can do," Swearinger said after the game. "He's a short guy."

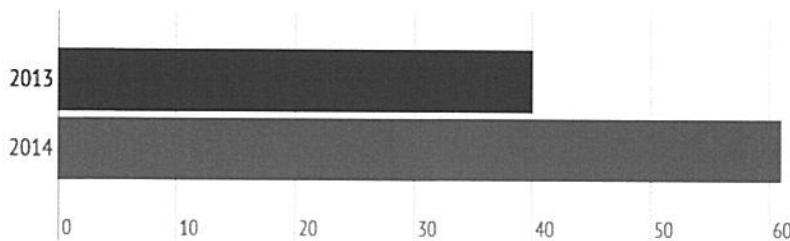
Whether accidental or intentional, Swearinger's play angered Peyton Manning, Welker's quarterback. After Welker left the field, Manning threw a touchdown to Emmanuel Sanders, then ran thirty yards into the end zone to confront Swearinger. Manning was then flagged for taunting — for the first time in Manning's career, the Broncos said.

Welker's injury means there have been at least 61\* concussions in the NFL preseason as of August 24, 2014, according to the [@NFLConcussions](#) Twitter feed. (The NFLConcussions feed has spent several years tracking head injuries across the league, and has emerged as an authoritative source.)

That's a major uptick from the 40 concussions reported as of August 24, 2013.

# 61 Concussions in NFL Preseason—And Counting

Reported NFL concussions as of August 24.



Source: @NFLConcussions Twitter feed.

Graphic and analysis by @ddiamond.

*\* Numbers have been updated since an earlier version of this post.*

The surge in reported concussions doesn't reflect a change in the game. Instead, chalk it up to a rise in concussion awareness: NFL players and teams are more conscious of head injuries, and local media coverage has gotten better, too.

And the actual number of concussions is undoubtably higher: NFL teams aren't required to report concussions in the preseason.

Showing the risks of the NFL preseason, there have also been a half-dozen season-ending — and even career-ending — injuries, too.

## Also See: More Concussions In Three Weeks Of NFL Preseason Than MLB, NBA Season Combined

Saturday's concussion was Welker's third concussion — at least — in the past 11 months. (After one of Welker's concussions last season, Broncos coaches briefly put Welker back on the field. He subsequently missed three games.)

Welker's overall concussion history is so bad that one columnist called on him to retire last season.

In an open letter to Welker, Jeff Pearlman wrote that Welker's concussion on December 9, 2013, was "your second of the season, your—what?—eighth ... ninth ... 10th of your career." Pearlman added:

“ You keep coming back, and coming back, and coming back, and the analysts and color commentators routinely praise your courage and toughness.

Well, I don't think you're courageous. Or tough. I think you're (really) stupid.

—

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- [4,000 Ex-Players Vs. The NFL: Landmark Concussion Case Begins](#)
- [NFL Pays \\$765 Million To Settle Concussion Case; Still Wins](#)

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## **EXHIBIT 3**

# 'Oklahoma' drill used by Bengals is dangerous and archaic

 [sportingnews.com/nfl/story/2013-07-30/bengals-oklahoma-drill-concussions-chris-nowinski-mike-brown](http://sportingnews.com/nfl/story/2013-07-30/bengals-oklahoma-drill-concussions-chris-nowinski-mike-brown)

The Cincinnati Bengals ran their "Oklahoma" drill Sunday, head coach Marvin Lewis's traditional kickoff for their first training-camp practice in full pads, and it was once again a hit among spectators and the players looking on. This year, the NFL Network aired it live, and former players gushed nostalgically about its physical and psychological benefits—how it makes one's body and mind tougher.

Chris Nowinski heard about it a day later, and was much, much less excited.

"It's a reasonable drill," he said Monday from Boston, where he is co-founder of Boston University's Center for the Study of Traumatic Encephalopathy. "Part of the question, though, is how much repetition of it there is."

Nowinski—who played football at Harvard and wrestled professionally before concussions drove him out of competition and into scientific research and advocacy—questions the drill because it means more times for a player to absorb a hit, and more chances for the brain to endure impact and suffer trauma.

They're a fast track to concussions and, in many cases, degenerative brain diseases like CTE, which Nowinski and his colleagues have found in several deceased athletes who had donated their brains for study.

The Oklahoma (one blocker, one tackler, one ball carrier going full-speed in a confined space) is one of many such drills that have been used for generations, at every level of football from the NFL down to Pop Warner—and can, and should, be eliminated, in his opinion.

"That one's not the worst one. That, at least, is a game-like situation," Nowinski said, adding, "Some of the others they still use—lining two guys against each other, four or five yards apart, no ball, no blocker, slamming into each other with a running start, with no real purpose. It's not even about winning a one-on-one. It's just about slamming into each other."

Three years ago at a medical conference on athletic head trauma in Waltham, Mass., Nowinski told the attendees that at every level of football, "We can have a way to reduce the number of hits in the head from 1,000 to 300, tomorrow." He showed them video of several time-honored one-on-one drills, including the Oklahoma, and said of them overall, "I say eliminate that. It's a dumb drill."

His criticism of the Oklahoma itself is more restrained—it "should be used sparingly"—but he did note that few, if any, other NFL teams use it at all anymore, which he sees as progress. Even with that, he pointed out, doing it on the first day in full pads might not be wise: "I don't know if everybody's in the right shape to do it." Which, again, can lead directly or indirectly to head injuries.

More progress, Nowinski said, has come from the NFL's new limits on hitting and workouts in pads during the offseason and training camp. Still, he warned against getting too emotional about the sight, sound and feel of a drill like the Oklahoma.

"One of the things about football is that it's easy to make an assumption based on evidence that isn't there," he said. "You have a losing team, you hit hard during a practice, and everybody thinks it means the

team is tougher. If a team isn't doing well, and it's perceived as so-called 'soft,' people will look at practice to see proof of it.

"It's hard to be punished by your employer for being tough on the players."

In this case, however, the employer may be part of the problem.

Bengals owner Mike Brown spoke to reporters last Tuesday and said about concussions: "It's not only not proven, it's merely speculation that this is something that creates some form of dementia late in life. Our statistics—the ones I've seen anyway—don't show that ... I'm not convinced that anybody really knows what concussions bring, what they mean later in life, if anything."

Nowinski said "about a dozen people" forwarded Brown's comments to him. He wasn't surprised that an NFL owner would say it in light of the financial damages at stake in the ongoing concussion lawsuits against the league by former players.

Still, Nowinski said with a sigh, "I mean, it's disappointing. It's incredibly insensitive to the hundreds of NFL survivors who have a type of dementia, and who know they're suffering because of brain trauma when they were players.

"You'd hope that one day they'd look back, several years from now, and see how foolish they sound," he added.

## **EXHIBIT 4**



## NFL's Evolution Of Training Camp

Posted Jul 22, 2014

By Dave Spadaro

It was a July 4, Vince Papale recalled, and Eagles head coach Dick Vermeil wanted to know why folks wanted to interrupt his team's practice with the foolishness of fireworks ...

**TRAINING CAMP SNAPSHOTS**

**1980** WEST CHESTER, PA

LENGTH OF CAMP: 7 WEEKS  
ROSTER SIZE: 120 PLAYERS  
PRACTICE ROUTINE: 2 PRACTICES PER DAY, 3.5 HOURS PER PRACTICE  
CONTACT: EVERY PRACTICE  
WATER/HYDRATION BREAKS: ONE BREAK PER HOUR AT COACH'S DISCRETION

**2000** BETHLEHEM, PA

LENGTH OF CAMP: 28 DAYS  
ROSTER SIZE: 80 PLAYERS  
PRACTICE ROUTINE: 2 PRACTICES PER DAY, 2 HOURS PER PRACTICE  
CONTACT: FIRST THREE DAYS; UP TO COACH'S DISCRETION THEREAFTER  
WATER/HYDRATION BREAKS: ENCOURAGED THROUGHOUT PRACTICE

**2013** NOVACARE COMPLEX LINCOLN FINANCIAL FIELD

LENGTH OF CAMP: 25 DAYS  
ROSTER SIZE: 90 PLAYERS  
PRACTICE ROUTINE: 2 PRACTICES PER DAY, ONE MUST BE A WALK-THROUGH. MAX TIME ON FIELD: 4 HOURS.  
PLAYERS GIVEN ONE DAY OFF PER WEEK  
CONTACT: NONE  
WATER/HYDRATION BREAKS: 4-8 OUNCES EVERY 15 MINUTES

It was a July 4, Vince Papale recalled, and Eagles head coach Dick Vermeil wanted to know why folks wanted to interrupt his team's practice with the foolishness of fireworks.

"Training Camp for us started on July 3," said Papale, Mr. Invincible, of course, who played with the Eagles from 1976-78. "Dick wanted to know where all the noise was coming from and he couldn't understand how anyone would try to disrupt our practice. That's how focused he was on Training Camp and the Philadelphia Eagles."

Times have changed in a big way for the NFL and the approach to Training Camp. The Eagles open camp this weekend at the NovaCare Complex and just about everything is different from the time when Papale played. Back then, in the mid 1970s and 80s, the roster size for camp was set at 120 players. The practices, which sometimes carried through for more than three hours, were full

contact. Camp lasted for as long as seven weeks in some instances.

"It's a new world," said Papale.

Papale and former Eagles linebacker Ike Reese joined current Eagles safety **Chris Maragos** at the ongoing Eagles Insider Series event on Monday night at the NovaCare Complex. It's a program that began last season and continues monthly through the remainder of the 2014 campaign, featuring new topics and former and current players in an interactive format in front of invited Season Ticket Members and their guests who are also treated to a tour of the NovaCare Complex and some festivities before the main event. The topic on Monday night was on the Evolution of Training Camp, and the three players reflected on the changing times of what is an extremely challenging time of the year for every aspiring NFL player.

"I can't say that I ever enjoyed Training Camp," said Reese, an Eagle from 1998-2004. "It's a necessary part of the game. You need to prepare yourself mentally and physically for a long season. And for me, Training Camp gave me the opportunity to prove myself and to win a job every year. My mentality was always that I had to go out and earn a roster spot. So I was willing to do anything the coaches asked me to do to make a positive impression."

"I embraced the chance to make plays in practice and then in the preseason games. As a backup player, you get your most snaps in the preseason games, so I looked forward to them."

Both Papale and Reese joked that today's camp lifestyle, so dramatically different than when they played, is sometimes greeted by former players with some raised eyebrows. Today's NFL players have much less contact in camp, and are restricted to one practice per day in pads. The second practice must be a walk-through. Players are given a day off after seven days of practice.

It isn't just the contact and the reduction in tackling and the sheer physical nature of practice that has changed. When Papale was an Eagle, players weren't encouraged to hydrate. The attention to physical performance and the rise of sports science has revolutionized the sport. Rest and recovery as just as important as a good lift.

The idea is to test the players and to find the best 53 for the roster, but to also reduce as much as possible the long-term wear and tear on players' bodies and minds.

"One of the differences for us, though, is that we kind of have that 'Training-Camp' feel in our spring sessions," said Maragos, who admitted that he was taken aback a bit at the tempo of Chip Kelly's first training session in the spring. "We get through a lot of the playbook and have a good feeling for what camp is going to be like when we have our OTAs (Organized Team Activities) in the spring."

"I'm really looking forward to starting camp. I love being here, love being part of this city and this team. We have a group of players who are excited to get to work."

Reese played first for Ray Rhodes in 1998 and then for Andy Reid. The difference in the approach to Training Camp was striking. Reese said that Rhodes' camp was more of a "country club" feel, not a good thing for a team that eventually went 3-13 in '98. Reid's camps were more physical and the players could get worn down, and Reid's early Eagles teams tended to start slowly and roar down the stretch.

"I feel if I played now, my career would be extended a few years with the way practice is run," said Reese. "There is much more care and concern for the player, and I think that's a good thing. Does it make the NFL a better product? That remains to be seen. This is still kind of a new approach. Is tackling adversely affected by limiting taking a player to the ground in Training Camp? It didn't hurt the Eagles last season, so Chip and his coaching staff are doing a great job teaching the fundamentals. I'm not sure that's the way it is around the NFL, though."

It makes for good conversation, which is what the Eagles Insider Series is all about. Training Camp nears and the fans packed the NovaCare Complex and the energy level was high. Maragos, new to Philly and the Eagles, feels the vibe.

"It's great here. The fans are so into it and they're hungry to get things going," he said. "I've been working hard and I'm ready for camp. We may not tackle as much as in the past, but it's still extremely challenging. Very fast pace. We have to pay attention to detail. You can't skip anything and expect to make it."

July 4 has come and gone, so the days of fireworks interrupting practice are over. The Eagles are going to hit the ground running, and running and running some more. The game has changed over the years, but the goal for camp is the same: Win every day, earn a roster spot and win the Super Bowl.

"That much is always going to be the case," said Papale. "This is a business. No matter how different practices are, you are reminded of that every day in the NFL."